

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §  
Kim A. Beazley *et al.* § Group Art Unit: 1638  
Serial No.: 10/582,007 §  
Filed: August 17, 2007 § Examiner: David H. Kruse  
For: CORN PLANT MON88017 AND §  
COMPOSITIONS AND METHODS § Atty. Dkt. No.: MONS:292US  
FOR DETECTION THEREOF §  
§ Confirmation No.: 1798  
§  
§

**DECLARATION OF BIOLOGICAL CULTURE DEPOSIT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Pamela J Sisson, hereby declare that I am an attorney of record in the United States Patent and Trademark Office for the above-referenced application, and am authorized to sign for the Assignee of Interest, Monsanto Technology LLC, in this matter. I have reviewed the Biological Culture Deposit Receipt on which I have based the following statements.

1. The following materials referred to in the specification of the above-referenced application have been deposited with the American Type Culture Collection.

<u>Identification Reference by Depositor</u>	<u>Patent Deposit Designation</u>	<u>No. Seeds</u>
Corn, Zea mays: MON88017	PTA-5582	2,500
2. The date of the above deposit is October 10, 2003 and is on or before the U.S. filing date of this application.		
3. The name and address of the depository is:		

American Type Culture Collection (ATCC)  
10801 University Boulevard  
Manassas, Virginia 20110-2209

4. With respect to the permanence of the culture deposit:
  - a. the depository is an official depository in accordance with the Budapest Treaty for the above deposited cultures;
  - b. the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest; and
  - c. evidence that permanent availability of the biological material is assured as provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited cultures.

In the event that the deposited material mutates, become nonviable or is inadvertently destroyed, the Assignee of Interest will replace such deposited material for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, plus six (6) years to cover the statute of limitations, whichever period is longer.

5. With respect to availability of the cultures, the deposit has been made under conditions of assurance that during the pendency of this application, access to the deposits will be afforded to the Commissioner upon request; and all restrictions upon the availability to the public of the deposited biological material will be irrevocably removed upon the granting of a patent on this application.
6. All statements made herein are believed to be true and correct; and these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

/Pamela J. Sisson, USPTO Reg. No. 53,600 /



Pamela J. Sisson, Esq.  
Corporate Counsel, IP  
Monsanto Technology LLC  
Monsanto Company

Date: September 6, 2011